

Remarks

I. Status of the Application and Claims

As originally filed, the present application had a total of 16 claims. These were canceled in a Preliminary Amendment and replaced with claims 17-33. Subsequently, these claims were also canceled and claims 34-43 were entered. In the present response, claim 34 has been canceled and claims 35, 40 and 41 were amended.

II. The Amendments

Claim 35 was amended to combine it with claim 34. This was done in response to the allegation by the Examiner that claim 34 is directed to subject matter in a non-elected restriction group. Claim 40 was amended so that it is no longer multiply dependent and claim 41 was amended to add the word "completely" in response to a suggestion by the Examiner appearing on page 3 of the Office Action.

Although Applicants have received a final rejection and therefore the entry of amendments is at the discretion of the Examiner, it is submitted that the present amendments put claims either in condition for allowance or in better condition for appeal. It is therefore respectfully requested that the amendments be entered.

III. Submission of Formal Drawing

The present application only contains one figure and this was objected to by the Patent and Trademark Office. Applicants are submitting a substitute formal drawing herein. It is requested that the enclosed drawing be used to replace the one presently in the application.

IV. Claim Objections

On page 3 of the Office Action, the Examiner objects to claims 35 and 38-41 as being dependent upon a claim (34) drawn to non-elected subject matter. In response, Applicants have cancelled claim 34 and have amended claim 35 to make it independent. It is respectfully submitted that these changes serve to obviate the Examiner's objection.

The Examiner also objects to claim 40 as being a multiple dependent claim that refers back to a claim that is also multiply dependent. In response, Applicants have amended

claim 40 to eliminate this problem. It is therefore respectfully submitted that the Examiner's objection has been obviated.

The Rejections

On page 3 of the Office Action, the Examiner rejects claim 41 under 35 U.S.C. § 112, second paragraph based upon the allegation that the phrase "a nucleotide sequence complementary to" is indefinite. The Examiner suggests using the phrase "a nucleotide sequence *completely* complementary to." Applicants have amended claim 41 to incorporate the exact language suggested by the Examiner. Beyond this, Applicants submit that the word "complementary," when used in connection with a nucleotide sequence, has a meaning that is well known in the art. Specifically, a first sequence is complementary to a second when the base at each of its nucleotide positions is the natural pairing partner of the corresponding base in the second sequence. For example, the complementary sequence of 5'-AGTC-3' is 5'-GACT-3'. In light of this and the amendment to the claim, Applicants submit that claim 41 meets the requirements of 35 U.S.C. § 112, second paragraph.

Conclusion

In light of the amendments and discussion above, Applicants submit that all of the Examiner's rejections have been overcome. It is therefore respectfully requested that these rejections be withdrawn and that the claims presently pending in the application be allowed.

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this application, the Examiner is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,

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Appendix

Marked Up Version of Amendments Showing Changes Made

Claims 35, 40 and 41 were amended in the present application. Below, each amended claim is shown with text that was added being underlined and text removed being bracketed.

35. (Amended) An isolated polynucleotide consisting of a nucleotide sequence encoding [the] a polypeptide [of claim 34] with an amino acid sequence consisting essentially of the sequence of SEQ ID NO:2.
40. (Amended) A coryneform bacterium transformed with the vector of [either] claim 38 [or 39].
41. (Amended) A second isolated polynucleotide having a nucleotide sequence completely complementary to the isolated polynucleotide of any one of claims 35-37.

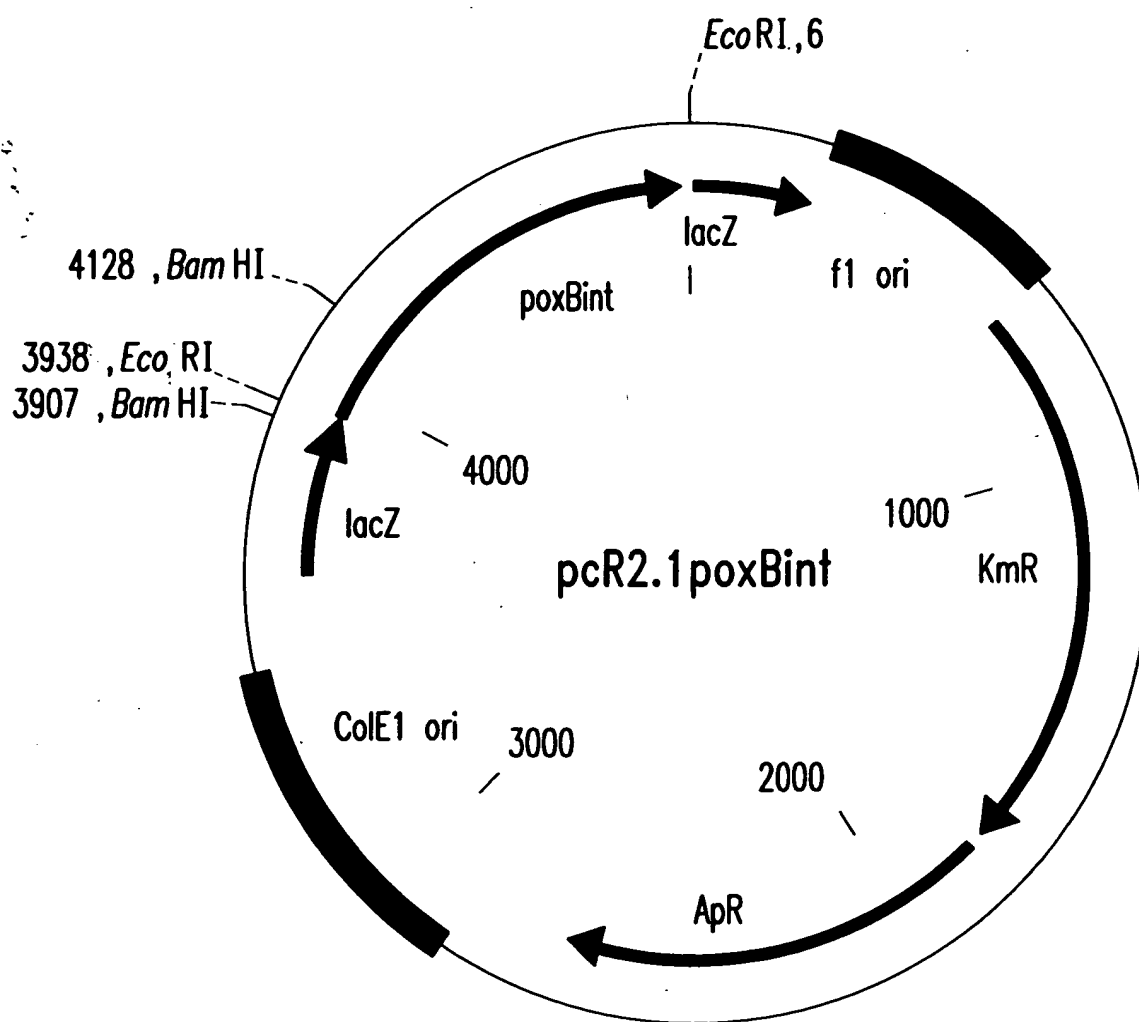


FIG.1